

REMARKS

Claims 1-10, 12-38, 43, and 45 are pending in this application.

Applicant has amended claims 1, 12-14, 25-29, 33, 34, 38, and 45. The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 112, First Paragraph

In response to the rejection of claims 12, 28, and 38 under 35 U.S.C. § 112, first paragraph, Applicant has amended each of these claims to specify that the computer-readable storage medium has a computer program stored thereon. Applicant submits that the “stored thereon” language is consistent with the language used in the specification in connection with programs and their associated storage devices. Accordingly, Applicant requests that the rejection of claims 12, 28, and 38 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicant respectfully requests reconsideration of the rejection of claims 1-10, 12-38, and 43 under 35 U.S.C. § 112, second paragraph. Applicant respectfully disagrees with the Examiner’s assertion that the claims are indefinite because an image is finally outputted from an output device, regardless of whether the image data generating device outputs image data to a printer via a PC or whether the image data generating device outputs image data directly to a printer. Nevertheless, in an effort to expedite prosecution of this application, Applicant has amended claims 1 and 45 to delete the language “or an image processing device...” therefrom. Accordingly, Applicant submits that claims 1-10, 12-38, and 43 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of these claims thereunder be withdrawn.

Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1-3, 9, 10, 12-16, 22-30, 33-35, 38, 43, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Ishii et al.* (“*Ishii*”) (US 5,982,416) in view of *Inoue et al.* (“*Inoue*”) (US 6,273,535 B1). As will be explained in more detail below, the combination of *Ishii* in view of *Inoue* would not have rendered the subject matter defined in independent claims 1, 12-14, 25-29, 33, 34, 38, and 45, as amended herein, obvious to one having ordinary skill in the art.

Independent Claims 1 and 12-14

Independent claims 1 and 13 define an image data generating device. Independent claim 12 defines a computer-readable storage medium having a computer program stored thereon, with the computer program causing a computer to perform functions that correspond to the functionality specified in claim 1. Independent claim 14 defines a method for generating image data that includes method steps that correspond to the functionality specified in claim 1. Each of claims 1 and 12-14 has been amended to specify that the image data generating device is separated from the output devices. As such, as will be explained in more detail below, neither the *Ishii* reference nor the *Inoue* reference discloses or suggests “an output control data acquisition mechanism” as specified in claim 1 (or the corresponding feature specified in claims 12-14).

In support of the obviousness rejection, the Examiner states that the CMS process unit of *Ishii* acts functionally equivalent to the claimed output control data acquisition mechanism (see the Office Action at page 5, lines 1-5). In the configuration of *Ishii*, the CMS process unit is included in host computer 10, and not in image pickup unit 11. As the image generating device is now specified as being *separated from* the output devices, the *Ishii* reference can no longer be used as the primary reference against the claimed subject matter.

The claimed subject matter relates image data to output control data at the time of image pickup, and thereby solves particular problems caused by the fact that the multiple output devices are separated from the image data generating device. Regardless of what processing host computer 10, which corresponds to the output device, carries out, the *Ishii* reference cannot reasonably be applied against the presently claimed subject matter.

In formulating the obviousness rejection, the Examiner also states that the *Ishii* reference does not explicitly disclose outputting output control data designating image processing conditions to be carried out by each of a plurality of output devices; however, the *Inoue* reference discloses a printer that stores printing control information to be performed by the printer. Therefore, from the combination of *Ishii* and *Inoue*, the Examiner concludes that it would have been obvious to one having ordinary skill in the art to use information related to image data to carryout optimal image processing on the image data.

Inoue's configuration, however, allows the printing control information to be stored in a printer, and a digital still camera (DSC) transmits only image additional information representing image sensing conditions to the printer. This configuration of *Inoue* enables the printer to select appropriate printing control information with respect to the image additional information, and the DSC is incapable of controlling the selecting operation of the printer.

Further, the Examiner states that *Ishii* discloses an embodiment that outputs image data with a color profile related thereto to multiple output devices, e.g., printers and monitors, while *Inoue* describes only an embodiment that outputs image data to a single printer. *Ishii* shows examples of signals transmitted from the image pickup unit to host computer 10 (see, for example, Figure 16), and the host computer outputs only processed image data to be output to a printer and a monitor. In other words, *Ishii* discloses and suggests only a technique used in a host, i.e., an image processing device.

In view of the foregoing, the *Ishii* reference cannot be reasonably applied against the presently claimed subject matter in which an image data generating device is defined as being separated from the output devices. Thus, even if the *Ishii* and *Inoue* references were to be combined in the manner proposed by the Examiner, the result would not have been the presently claimed subject matter. Accordingly, claims 1 and 12-14 are patentable under 35 U.S.C. § 103(a) over the combination of *Ishii* in view of *Inoue*.

Independent Claims 25-28

Independent claims 25 and 26 define an image data generating device. Independent claim 27 defines a method for generating image data that includes method steps that correspond to the functionality specified in claim 25. Independent claim 28 defines a computer-readable storage medium having a computer program stored thereon, with the computer program causing a computer to perform functions that correspond to the functionality specified in claim 25. Each of claims 25-28 has been amended to specify that the image data generating device is separated from the output devices.

Claims 25-28 are similar to claims 1 and 12-14, but differ in that they specify the use of identifying information for identifying respective output devices. As such, the arguments set forth above regarding claims 1 and 12-14 also apply to claims 25-28.

Independent Claim 45

Claim 45 defines an image generating device that is similar to that defined in claim 1, but differs in that the claimed configuration is directed toward a single output device. Nevertheless, the arguments set forth above regarding claim 1 also apply to claim 45.

Independent Claims 29, 33, 34, and 38

Independent claims 29 and 33 define an output control device. Independent claim 34 defines a method for outputting image data that includes method steps that correspond to the functionality specified in claim 29. Independent claim 38 defines a computer-readable

storage medium having a computer program stored thereon, with the computer program causing a computer to perform functions that correspond to the functionality specified in claim 29. Each of claims 29, 33, 34, and 38 has been amended to specify that the output devices are separated from an image data generating device.

The claimed configuration allows the output devices, acting as a slave, to carry out output control processing in accordance with the output conditions specified by the image data generating device, rather than allowing a host to adjust the image adjustment conditions from input and output profiles. As the present claims specify that the output devices are separated from an image data generating device, the output devices are distinguishable from host computer 10 shown in the *Ishii* reference (as discussed above in connection with claim 1, the *Ishii* reference cannot reasonably be applied against subject matter in which an image data generating device is defined as being separated from the output devices). Thus, even if the *Ishii* and *Inoue* references were to be combined in the manner proposed by the Examiner, the result would not have been the presently claimed subject matter. Accordingly, claims 29, 33, 34, and 38 are patentable under 35 U.S.C. § 103(a) over the combination of *Ishii* in view of *Inoue*.

Claims 2, 3, 9, 10, 15, 16, 22-24, 30, 35, and 43

Each of claims 2, 3, 9, 10, and 43 depends from claim 1. Each of claims 15, 16, and 22-24 depends from claim 14. Claim 30 depends from claim 29, and claim 35 depends from claim 34. Thus, claims 2, 3, 9, 10, 15, 16, 22-24, 30, 35, and 43 are patentable under 35 U.S.C. § 103(a) over the combination of *Ishii* in view of *Inoue* for at least the reason that each of these claims depends from one of claims 1, 14, 29, and 34.

Applicant respectfully requests reconsideration of the rejection of claims 4-8, 17-21, 31, 32, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Ishii* in view of *Inoue*, and further in view of *Kohler et al.* ("*Kohler*") (US 5,646,752). Each of the claims 4-8, 17-

21, 31, 32, 36, and 37 ultimately depends from one of independent claims 1, 14, 29, and 34. The *Kohler* reference does not cure the above-discussed deficiencies of the combination of the *Ishii* and *Inoue* references relative to the claimed subject matter, as presently defined in the independent claims. Accordingly, claims 4-8, 17-21, 31, 32, 36, and 37 are patentable under 35 U.S.C. § 103(a) over the combination of *Ishii* in view of *Inoue* and *Kohler* for at least the reason that they ultimately depend from one of independent claims 1, 14, 29, and 34.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-10, 12-38, 43, and 45, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP003).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920